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Minneapolis Planning Department

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MEMORANDUM

DATE: June 25, 2002

TO: Council Member Gary Schiff, Chair
Zoning and Planning Committee
and Members of the Committee

FROM: Thomas Leighton *TL*
Planning Department

SUBJECT: Extension of Interim Ordinance Chapter 576—Interim Ordinance providing for a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along West Broadway Avenue from the City Limits to Girard Avenues, and within a quarter mile of the West Broadway/Penn intersection—to November 22, 2002.

The issue under consideration by the City Council is an extension of the West Broadway interim ordinance, Chapter 576 in the City's Zoning Code. Chapter 576 was put in place to protect a planning process that would develop proposed changes to the official City controls that govern development in the western half of the West Broadway corridor. This follows a community-based planning effort as described in the report to the Zoning and Planning Committee dated February 6, 2001 (attached), and is considered to be an important step in the implementation of that plan. Both planning and implementation are part of a comprehensive revitalization effort spearheaded by the West Broadway Area Coalition (WBAC). Proposed changes to official City controls are expected to include changes to the City's comprehensive plan, and changes to the zoning of property.

Although work on the planning project is proceeding, target deadlines set in an initial work program have not been met due to staffing constraints. Progress to date includes the establishment of an informational baseline and a community-based advisory committee. Proposed changes to The Minneapolis Plan have been developed. Proposed zoning has been developed for two of four defined sections of the street. A set of meetings in the community will follow the development of proposed zoning for the remaining sections. Then the proposed zoning amendments and comprehensive plan changes will be scheduled for public hearing and formal adoption by the City Council.

The extension of the interim ordinance would serve several purposes. 1) Prior to the establishment of changes to official controls, the interim ordinance prevents development that is adverse to recent community planning efforts. 2) Prior to the establishment of changes to official controls, the interim ordinance allows the evaluation of projects that would not otherwise be subject to community and City Council review. 3) The interim ordinance provides formal authorization to Planning staff to work with other City staff and the community in developing proposed changes to the City's official controls.

The subject matter of this moratorium was introduced at the City Council on November 22, 2000. It was adopted by the City Council as Chapter 576 of the City code on March 2, 2001—to expire on November 22, 2001, or with the completion of the planning study. On November 9, 2001, the City Council extended the expiration date of the moratorium by 6 months to April 22, 2002. The proposed action represents a second 6 month extension of the moratorium.

The subject of this moratorium extension was discussed at the regular WBAC Board meeting of May 8, 2002. The attached letter from the director of the WBAC attests to the organization's qualified support for extension of the moratorium.

Planning Staff Recommendation on Extension of Moratorium

Planning Staff recommends that the City Council approve the extension of the interim ordinance, Chapter 576, until November 22, 2002.

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MEMORANDUM

DATE: February 6, 2001

TO: Council Member Lisa McDonald, Chair
Zoning and Planning Committee
and Members of the Committee

FROM: Tom Leighton
Planning Department

SUBJECT: Chapter 576 - Interim Ordinance providing for a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along West Broadway Avenue from the City Limits to Girard Avenues, and within a quarter mile of the West Broadway/Penn intersection.

Chapter 576, if adopted, will provide a moratorium on the establishment or expansion of any commercial or industrial uses in the area along West Broadway Avenue from City Limits on the west to the Girard Avenue on the east, extending 150 feet on each side of the center line of West Broadway, and including the area bounded by a ¼ mile radius around the intersection of West Broadway and Penn Avenues. The intent of the ordinance is to allow a West Broadway corridor plan to be developed and appropriate changes to be made as necessary to the City's official controls.

BACKGROUND

In 1997, the University of Minnesota's Design Center for the American Urban Landscape convened a series of five roundtables to discuss the variety of projects, plans and strategies that had been developed for the West Broadway corridor and adjoining neighborhoods. Out of these conversations came the framework of a more comprehensive vision for the West Broadway corridor, and its role in the larger community. This vision was documented under the title, *Strategic Redevelopment Initiatives: Blueprint for Implementation of West Broadway Area Comprehensive Vision* (Strategic Initiatives). Five distinguishable zones were identified, each with its own character. They were 1) The Riverfront, 2) Regional Shopping District, 3) The Community Core, 4) Parkway/Green Corridor, and 5) The Grand Round.

Also emerging from this process was a new organization, the West Broadway Area Coalition (WBAC). The WBAC is now incorporated as a 501c(3) nonprofit organization with stated mission,

"to lead the revitalization of West Broadway." It is made up of the three neighborhood organizations that border on West Broadway, the West Broadway Business Association, and the Plymouth Christian Youth Center. The WBAC has initiated safety and facade improvement programs along West Broadway, as well as the marketing of the Avenue.

Over the next six months, the WBAC and the Minneapolis City Planning Department will develop a Corridor Plan for West Broadway. Funding is in place, and a consultant team has contracted to facilitate its completion. One clear focus of the plan will be the desired physical footprint of the street and sidewalk. Hennepin County will be reconstructing the western portion of West Broadway from Girard Avenue to the City Limits, and in the process redoing all pavement and sidewalk to improved standards. The Corridor Plan will be used as input in the design of the street. The Corridor Plan will also identify desired land use. It will propose streetscape elements, and develop design guidelines for private development along the street.

Implementation of the Corridor Plan will require both private and public actions, and could include modifications to the City's comprehensive plan and zoning ordinance.

ZONING ORDINANCE AND COMPREHENSIVE PLAN

The City Council is concerned about development not in conformance with the vision and design guidelines outlined in the Strategic Initiatives Plan and the Corridor Plan under development. The city's current zoning regulations may not ensure that key elements of these plan documents are adhered to. 1) The Corridor Plan is establishing design guidelines for commercial and residential development along West Broadway. These design guidelines will, in keeping with the Strategic Initiatives plan, reinforce development that is consistent and compatible with the traditional storefront nature of the Avenue. It will call for buildings to be placed at the street, with parking to the rear or side, and suggest other design elements that would contribute to compatibility of structures and the development of a coherent visual appearance. 2) The Strategic Initiatives plan envisions increased residential development along West Broadway between the Penn Avenue commercial node and the main commercial district. This may not be supported by current zoning.

Development that is not compatible with an overall plan for West Broadway can contribute additional disparate elements to a street frontage that has already suffered from the implementation of extremely varied development strategies. Increasing a sense of disjointedness would make West Broadway a less attractive destination for commercial goods and services. Undesirable development patterns can deter pedestrian traffic, and can fail to provide the visual connections between commercial interiors and the street that are so critical in deterring criminal and anti-social behaviors.

The City's comprehensive plan designates the section of West Broadway from the Mississippi River to Penn Avenue as a commercial corridor. It designates from Penn to the City Limits as a community corridor. The Penn Avenue intersection is designated a neighborhood commercial node. The designation of West Broadway between Fremont and Penn as a commercial corridor may not be compatible with the vision outlined in the Strategic Initiatives plan. Commercial corridors are mixed use streets with commercial uses dominating the mix. This is in some tension with the vision for this area outlined in the Strategic Initiatives plan, which calls for the creation of a perceptual

buffer between the intense commercial area east of Fremont and the Penn Avenue neighborhood commercial node. This is achieved by pursuing increased residential development between Fremont and the Penn Avenue node as the opportunity presents itself. Residential redevelopment has a secondary benefit of contributing buying power to the area to strengthen existing commercial establishments. A mixed use corridor where residential development is the major component is considered a community corridor. For this reason, amending the comprehensive plan to change the designation of this section of West Broadway to a community corridor merits consideration.

Other comprehensive plan changes may be consistent with the Strategic Initiatives plan and the Corridor Plan under development. Such changes can be important by facilitating development along West Broadway that supports the historic storefront nature of its commercial development and the strengthening of the market for its goods and services.

Completion of the Corridor Plan, and the review of current zoning and comprehensive plan provisions are important steps in the implementation of the vision for West Broadway revitalization. Others measures could include consideration of the role of the West Broadway Area Coalition in facilitating community based review of development proposals, and the development of an overall strategy and timeline for revitalization efforts.

TIMING OF MORATORIUM

The proposal to adopt a West Broadway area moratorium stems from the concern that existing City controls would support development that is not in keeping with what is envisioned in adopted and pending West Broadway plans. Moreover, such nonconforming development might have the effect of discouraging further appropriate development.

Further impetus for proceeding with this study stems from an apparent increase in interest in the development of West Broadway area properties. Heightened interest in property development increases the importance of being able to communicate a clear and consistent message about the type of development that is permitted and encouraged, as well as to ensure that development adverse to the long-range goals of the Avenue is not supported. The moratorium is needed to protect the planning process through which this consistent message can be incorporated in the City's official planning and zoning controls.

As usual, the moratorium language contains a hardship provision which allows the city to consider individual applications for waiver of the moratorium.

RECOMMENDATION

That the City Council approve the proposed Chapter 576 granting a moratorium for twelve (12) months on the establishment, reestablishment or expansion of any commercial or industrial use along West Broadway Avenue from City Limits on the west to the intersection of West Broadway and Girard Avenues on the east, extending 150 feet on each side of the center line of West Broadway, and including the area bounded by a ¼ mile radius around the intersection of West Broadway and Penn Avenues.

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Amending Title 21, Chapter 576 of the Minneapolis Code of Ordinances relating to a moratorium on the establishment, reestablishment or expansion of any commercial or industrial use along West Broadway Avenue from the city limits on the west to the intersection of West Broadway and Girard Avenues on the east, extending 150 feet on each side of the center line of West Broadway, and including the area bounded by a 1/4 mile radius around the intersection of West Broadway and Penn Avenues.

The City Council of The City of Minneapolis does ordain as follows:

Section 1. That Section 576.40 of the above-entitled ordinance be amended to read as follows:

576.40. Restrictions. For a period of one (1) year from November 22, 2000, the date of introduction of this ordinance, no zoning approval, building, construction, or demolition permit or license for the establishment, reestablishment or expansion of any commercial or industrial use in the above-described area shall be allowed or granted for any property located in this study area by any city department. The city specifically reserves the right to extend this ordinance for such additional periods as are necessary to complete the planning study, not exceeding a total additional period of eighteen (18) months.

This chapter is hereby extended and shall expire on May 22, 2002.

This chapter is hereby extended and shall expire on November 22, 2002.

CHAPTER 576. PROVIDING FOR A MORATORIUM ON THE ESTABLISHMENT, REESTABLISHMENT OR EXPANSION OF ANY COMMERCIAL OR INDUSTRIAL USE ALONG WEST BROADWAY AVENUE FROM CITY LIMITS ON THE WEST TO THE INTERSECTION OF WEST BROADWAY AND GIRARD AVENUES ON THE EAST, EXTENDING ONE HUNDRED FIFTY (150) FEET ON EACH SIDE OF THE CENTERLINE OF WEST BROADWAY, AND INCLUDING THE AREA BOUNDED BY A ONE-FOURTH (1/4) MILE RADIUS AROUND THE INTERSECTION OF WEST BROADWAY AND PENN AVENUES

576.10. Authority. In order to protect the planning process, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code that governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to Minnesota Statutes Section 462.355, Subd. 4, City Charter, and city ordinance. (2001-Or-027, § 1, 3-2-01)

576.20. Findings and purpose. The West Broadway Avenue corridor has been the subject of recent attention by organizations representing the communities immediately surrounding the avenue and the city's planning department. Building on a 1997 strategic vision for West Broadway Avenue, the West Broadway Area Coalition (WBAC), representing the business, residential and nonprofit communities that border on West Broadway, hosted a charrette in October, 2000, to refine the vision for West Broadway. Further work over the next year will result in a corridor plan that defines appropriate locations for various uses along the avenue, proposes design guidelines for future commercial and residential development, and informs the re-construction of public infrastructure.

The development of the corridor plan is timely, because Hennepin County plans to completely reconstruct West Broadway Avenue from the city limits to Girard Avenue beginning in the spring of 2002. This would include curbing and sidewalks, and would result in the permanent closing of several street outlets that have been temporarily closed.

The city council is concerned about development not in conformance with the emerging corridor plan. New or expanded commercial or industrial uses in areas suitable for eventual residential redevelopment, or auto-oriented businesses at locations which are appropriate for neighborhood-oriented walk-up business may contribute to neighborhood instability through negative environmental impacts such as increased traffic, noise and visual blight. This could exacerbate existing tensions between land uses in the area, and associated disinvestment in residential and commercial properties. It may result in undue conflicts between pedestrian movement and automobile traffic. It could make it more difficult to foster future redevelopment in conformance with the future corridor plan. Development and adoption of the corridor plan, along with appropriate revisions to the city's official controls can ensure that activity in the area will not undermine the future development of the area.

The city finds that this interim ordinance should be adopted to protect the planning process and the health, safety and welfare of the citizens. (2001-Or-027, § 1, 3-2-01)

576.30. Zoning study. The area bounded by a line one hundred fifty (150) feet from the centerline of West Broadway from the city limits to Girard Avenue and by a one-fourth (1/4) mile radius of the intersection of West Broadway and Penn Avenues is hereby declared to be an interim study area with respect to the establishment, reestablishment or expansion of any commercial or industrial use. The planning department is hereby directed to oversee the development of a corridor plan within the study area which would inform the future development of the West Broadway corridor, provide direction related to land use and the design of private and public realm elements, and inform the reconstruction of the public infrastructure and to propose such additional amendments to the city's official controls as it deems necessary. (2001-Or-027, § 1, 3-2-01; 2001-Or-136, § 1, 11-9-01)

576.40. Restrictions. For a period of one (1) year from November 22, 2000, the date of introduction of this ordinance, no zoning approval, building, construction, or demolition permit or license for the establishment, reestablishment or expansion of any commercial or industrial use in the above-described area shall be allowed or granted for any property located in this study area by any city department. The city specifically reserves the right to extend this ordinance for such additional periods as are necessary to complete the planning study, not exceeding a total additional period of eighteen (18) months.

This chapter is hereby extended and shall expire on May 22, 2002. (2001-Or-027, § 1, 3-2-01; 2001-Or-136, § 2, 11-9-01)

576.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted. (2001-Or-027, § 1, 3-2-01)

Minneapolis City Council
350 S. 5th Street
Minneapolis MN 55415

Dear Honorable Council Members:

The West Broadway Area Coalition reluctantly agrees to the extension of the West Broadway moratorium on development. The coalition originally supported the March 2001 moratorium and asked that positive development tools be used as well in the redevelopment of the Avenue, to date action on West Broadway has included only extensions of the Moratorium and little positive development assistance.

The current extension is due the city to not devoting the necessary staff resources to the rezoning study that is to be completed in conjunction with this study. It has been frustrating indeed to repeatedly report to the community that no progress has been made on the zoning study. This is not a reflection of on the work of the planner involved in this study, in fact we find Tom Leighton to be very easy to work with, but it is a call to action on the part of the city to prioritize West Broadway and to allow us to send a positive message to the community, developers and small business people interested in a prosperous West Broadway Avenue.

With reluctance the West Broadway Area Coalition supports an extension of the Moratorium. The Coalition prefers a three month extension over a six month extension, however we understand that given the public meetings and approvals that must occur three months may be unreasonable. I would like to reemphasize that this study must be completed as soon as possible. If you have any questions please feel free to call me at 521-0716.

Thank you,

Kari Neathery
Executive Director

Additional supporting documents are available for viewing in the office of the City Clerk. For more information, please contact the Committee Coordinator.